

IN THE MATTER OF)
REQUEST FOR APPROVAL)
OF LOCAL RULES) CAUSE NO.
FOR COURTS OF RECORD IN)
ADAMS COUNTY)

S/Frederick A. Schurger
Signature of submitting Judge
Judge, Adams Circuit Court

STATE OF INDIANA

IN THE ADAMS CIRCUIT COURT
CASE NUMBER 01C01-0701-CB-0001

COUNTY OF ADAMS SS:

IN THE ADAMS SUPERIOR COURT
CASE NUMBER 01D01-0701-CB-0001

IN RE:
LOCAL RULES

AMENDED
LOCAL RULES REGARDING ASSIGNMENT OF CRIMINAL CASES,
CHANGE OF VENUE AND RELATED MATTERS

INTRODUCTION

The following rules have been adopted by the Judges of Adams Circuit Court and Adams Superior Court in compliance with Criminal Rules 2.2, 12 and 13 ~~to be effective July 1, 1995.~~ The undersigned Judges comprise all of the Judges in Adams County with jurisdiction in felony and misdemeanor cases and they have evaluated the past procedures and have assessed the needs of Adams County. The following local rules are hereby adopted:

LR01-CR2.2-01 --CASE ASSIGNMENT

(A) Misdemeanors and D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is a Class D Felony or a Misdemeanor shall be assigned to Adams Superior Court.

(B) All Felonies Except D Felonies: Unless otherwise provided in these rules, all cases wherein the most serious charge is greater than a Class D Felony shall be assigned to Adams Circuit Court. For example, if any felony greater than a Class D Felony is filed it shall be assigned to Adams Circuit Court along with any additional criminal charges regardless of whether or not those additional criminal charges are Class A Misdemeanors or Class D Felonies.

(C) Criminal Non-Support: All cases involving allegations of criminal non-support shall be assigned to the Court which had original jurisdiction of any filing of a Petition for Dissolution of Marriage, Dissolution Decree, Paternity Determination, or similar case filed. It is the objective of this provision to eliminate two Courts addressing the same party and related issues. If no prior case has been filed, such cases shall be filed in accordance with the rules previously set forth

(D) Protective Orders and Invasion of Privacy: If a Dissolution of Marriage is pending or has been granted to the parties or if a paternity action has been filed or has been determined and subsequently one of the parties petitions for a protective order against the other party, said protective order shall be assigned to the Court which

originally addressed the dissolution or paternity. The purpose of this policy is to assure that the same Court which has determined custody and visitation will also determine the terms of the protective order so that visitation can be assured while simultaneously the appropriate parties are protected. Therefore, any violation of a protective order (invasion of privacy) involving such parties shall likewise be filed in the Court originally addressing the dissolution or paternity and where the protective order was issued. It is the expressed desire of the Court to eliminate duplication and confusion in regards to multiple orders for various purposes involving the same parties.

(E) Pending Cases: Cases involving offenders who have charges pending in either Court, or prior convictions in either Court may be filed in that Court despite the provisions of Paragraphs (A) and (D).

LR01-CR2.2-02 TRANSFER

(A) Circuit to Superior: A Judge of Adams Circuit Court, by appropriate order entered in the Record of Judgments and Orders, with the consent of the Judge of Adams Superior Court, may transfer and reassign any criminal case to Superior Court pursuant to the authority of I.C. 33-5-4.5-9.

(B) Superior to Circuit: A Judge of the Adams Superior Court, by appropriate order entered in the Record of Judgments and Orders, with the consent of the Judge of Adams Circuit Court, may transfer and reassign any criminal case to Circuit Court pursuant to the authority of I.C. 33-5-4.5-9.

LR01-CR2.2-03 --REFILING AND SUBSEQUENT FILINGS

When the State of Indiana dismisses a case and chooses to refile that case, the case shall be assigned to the Court from which the dismissal was taken unless Local Rule 1 (above) regarding case assignment dictates otherwise. For example, a case may originally be filed as a Class D Felony Battery, later is dismissed, and subsequently is filed as Murder, a Class A Felony. Local Rule 1 in regard to case assignment shall take precedence and it shall be filed in Circuit Court

LR01-CR2.2-04 --REASSIGNMENT

(A) Circuit Court: In the event a change of Judge is granted where it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in Adams Circuit Court, the case shall be reassigned to Adams Superior Court.

(B) Superior Court: In the event a change of Judge is granted or it becomes necessary to assign another Judge in any felony or misdemeanor proceeding in Adams Superior Court, the case shall be reassigned to Adams Circuit Court.

(C) Alternative: In the event that a reassignment can not be accomplished pursuant to the rules set forth above, then by order of adoption of these rules, the Indiana Supreme Court, pursuant to I.C. 33-2.1-7-8 temporarily transfers the following named Judges to the Adams Circuit Court or Adams Superior Court for the purpose of reassignment of felony and misdemeanor cases and said individuals are as follows:~~the Honorable Tom D. Diller, the Honorable Joel D. Roberts, the Honorable Everett E. Goshorn, and the Honorable David L. Hanselman, Sr.~~ the regular Judge of the Jay Circuit Court; the regular Judge of the Jay Superior Court; the regular Judge of the Wells Superior Court; and the regular Judge of the Wells Circuit Court.

In the event it becomes necessary to reassign a felony or misdemeanor case, the Judges will be reassigned in consecutive order to the above noted Judges.

LR01-CR2.2-05 --APPOINTMENT OF SPECIAL JUDGE

In the event no Judge is available for assignment or reassignment of a felony or misdemeanor case, such case shall be certified to the Indiana Supreme Court for the appointment of a Special Judge. In the event the Judge presiding in a felony or misdemeanor case concludes that the unique circumstances presented in such proceeding require appointment by the Indiana Supreme Court of a Special Judge, this presiding Judge may request the Indiana Supreme Court for such appointment.

DATED AND ORDERED THIS 24th DAY OF April, 2007

S/James A. Heimann
James A. Heimann, Judge
Adams Superior Court

S/Frederick A. Schurger
Frederick A. Schurger, Judge
Adams Circuit Court